



Seattle City Attorney

Peter S. Holmes

October 24, 2014

Alan Rathbun, Director
Licensing & Regulation Division
Washington State Liquor Control Board
P.O. Box 43098
Olympia, WA 98504-3098

Re: **REQUEST FOR EMERGENCY SUSPENSION**
Cellars Restaurant & Lounge
3132 1st Ave, Seattle
Liquor license #080174

Dear Mr. Rathbun:

The City of Seattle requests that the Washington State Liquor Control Board issue an emergency suspension pursuant to RCW 66.08.150(4) of the liquor license of Cellars Restaurant & Lounge, Liquor license #080174, located at 2132 1st Ave, Seattle, 98121. The City's request is based on recent incidents during which the licensee and his employees allowed minors to frequent the tavern, lounge, or other restricted area; failed to take appropriate measures to prevent illegal activity inside the tavern, lounge, or other restricted areas; and demonstrated by their actions a failure to cooperate with law enforcement. The Board should immediately suspend the license because the public health, safety and welfare require immediate emergency action.

In 2013 and 2014 Cellars has proven itself to be an emergent public safety hazard. Firearms have been either inside or actually discharged inside the establishment on at least three separate occasions.

During the most recent incident, a homicide, it is clear from the investigation that:

1. The deceased was 20 years old and armed with a .40 caliber handgun while inside Cellars, in violation of WAC 314-11-020, 015.
2. The deceased's half-brother was 19 years old and inside Cellars, in violation of WAC 314-11-020, 015.
3. According to a statement, although weapons are a frequent problem at the club, the check for weapons by security was a few light taps to clothing, not anything that would effectively locate a gun. WAC 314-29-015(4)(b).

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4. Within minutes of the homicide, Cellars was closed thereby making staff unavailable when detectives arrived at the homicide scene, in violation of RCW 66.44.370, WAC 314-11-090, 015(4)(b). Detectives describe this as highly unusual.
5. The business has interior video that was recorded over before detectives could make contact with the licensee and staff. WAC 314-29-015(4)(b).

Detective Sergeant Robert Vallor provided the following information regarding SPD 2014-340134 (sealed at this time) for SPD Homicide file 14-319. This information was provided based on his observations at the scene, a discussion with the case detective, Jason Kasner, and of the recorded interview with the "suspect" as well as interviews with one of the surviving victims and a familial witness. The Washington State Liquor Control Board investigator is encouraged to contact Detective Sergeant Robert Vallor directly at 206-684-5550.

10/11/14 - SPD Incident Report # 2014-340134 - SPD Homicide file 14-319:

The suspect JM went there with a date, he knew as R, to dance, etc. Before they entered the club JM claims he hid his 9mm pistol near the dumpsters behind the business. JM had a valid CPL. When they entered he described the check for weapons by security as a few light taps to his clothes, not anything that would locate a gun. He and R were dancing when one of the deceased brothers, DR, tried to cut in and push him away from his date. JM retreated with R after DR became threatening. JM and R began to dance again when DR returned with three other males. These were DW, a 19-year-old half-brother and DE, age 20-years-old, the deceased, also a half-brother of DR and DW and a third, as yet, unidentified male. Another confrontation occurred and JM and R decided to leave Cellars to get away from the trouble. They went outside and R went to get her car while JM retrieved his handgun and waited for her in the parking lot on the south wall of Cellars. While he waited half-brothers DE, DR and DW and the fourth male exited Cellars and saw him. DE, the deceased, approached in a threatening manner, faster than the others. JM backed away then saw DE, having come directly out of Cellars pull a handgun out of his pants. JM began to draw his own gun as DE fired two shots at him. JM fired nine shots in response hitting DE in the head, killing him, and hitting DW and one other by-stander, causing non-life threatening injuries.

This information is based on information and statements from JM, DW, DR and other witnesses at the scene and developed through follow-up. It is clear from the information gathered in this investigation that:

DE, the deceased, was 20 years old and armed with a .40 caliber handgun while inside Cellars.

DW, half-brother, was 19 years old and inside Cellars.

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8/17/2013 – SPD Incident Report # 2013-298306 – Assault, Aggravated, Body Force:

While on the balcony smoking S1/ approached carrying a beer and told them they were not allowed to smoke at this location. V/ did not believe S1/ was working for the bar since he had a beer in his hand. S1/ stated he was a bouncer. A second man S2/ came over and while talking with him V/ was shoved to the ground by S1/ knocking him unconscious. V/ regained consciousness outside of the club lying face down on the pavement. As he tried to stand up S2/ stomped on his back and said “I told you to smoke somewhere else.” The pressure of the stomp caused pain and broke V/’s arm. According to the V/ wife, once he was shoved to the ground and unconscious, “he was carried outside by some employees.” (Attachment E.)

7/15/2013 – SPD Incident Report # 2013-207174 – Assault, Aggravated, Weapon:

V/ owner of club asked S/ to leave as she was acting strangely and drinking from a glass bottle of beer that the club did not sell. S/ became agitated and hit V/ twice with the bottle causing injury. (Attachment F.)

This latest incident must be Cellars’ last. An emergency suspension is appropriate when a licensee fails to cooperate with law enforcement, permits weapons on the premises, and permits minors on the premises. RCW 66.08.150(4). Here, Cellars openly allowed minors and weapons on the premises, cannot manage their customers, and demonstrated through their actions a failure to cooperate with law enforcement in the investigation of the most serious crimes. The on-going violence paired with the establishment’s demonstrated lack of cooperation with law enforcement creates an environment of extreme danger to the public. The Board should immediately protect the public safety by ordering an emergency suspension of Cellar’s liquor license pursuant to RCW 66.08.150(4). Under RCW 66.08.010, the Board must liberally construe these laws in favor of protecting the public safety. An emergency suspension will not only protect the public safety of the people of Seattle, but ensure that more people are not victimized as a result of Cellars.

For the reasons set forth above, the City requests that the Board issue an emergency suspension pursuant to RCW 66.08.150(4) of the liquor license of Cellars Restaurant & Lounge, Liquor license #080174, located at 2132 1st Ave, Seattle, 98121.

Very truly yours,



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That JM, aged 21, was inside Cellars and claims he was not armed, that he hid his gun outside.

In addition, the business has interior video but was recorded over before detectives got back to the site at 1700 hrs. 10-11-14. Cellars was closed up tight when detectives got to the homicide scene just 30 to 40 minutes after the shooting.

Related - 2014-340179 10/11/2014 Assault, Gun, Aggravated:

West Precinct Patrol Officers were working the shooting scene in the 2100 block of 1st Ave when they received reports that a man was heading to the scene with a gun. Officer located the suspect DM at 1st Ave and Blanchard St and recovered a semi-automatic handgun from him. Suspect DM was a friend of DE (2014-340134) and had tried to get into the crime scene. When he was turned away, DM recovered a handgun and began menacing people. Suspect DM had a Concealed Pistol License but the handgun he had was a reported stolen in a Tukwila burglary. Suspect DM was booked for possession of a stolen Firearm. (Attachment A.)

10/12/2014 - SPD Incident Report # 2014-341192 - Assault, Aggravated, Body Force:

V/ was inside Cellars arguing with a group of women when S1/punched him in the face. S2/ then punched V/ from behind, knocking him unconscious and opening a laceration on his chin. S1/ and S2/ fled prior to police arriving. (Attachment B.)

02/03/14 – SPD Incident Report # 2014-36696 – Assault, Aggravated, Weapon:

Officers observed a fight disturbance involving 20-30 people start inside Cellars. V/ an employee of Cellars contacted police stating that S/ had pointed a handgun at V/'s face while inside the bar. V/ pointed to the suspect. When Officers attempted to contact the suspect they observed a group huddle take place in what appeared to be an attempt to hide something. Officers noted that there were still numerous fights all around them. The individual Officers believed to be the one possibly hiding something was detained, but the V/ could not positively ID. No weapon was recovered. (Attachment C.)

09/07/2013 – SPD Incident Report # 2013-324739 – Weapon Discharge:

While inside Cellars S/fired three rounds into the ceiling for an unknown reason. When S/ attempted to flee the establishment, he stumbled and dropped the handgun on the ground at the entrance. Police arrived immediately and confronted S/ while he tried to pick up the gun. Security stepped on the gun preventing S/ from grabbing it. S/ fled, and was arrested a short distance away by SPD. (Attachment D.)

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cc: CPT. Chris Fowler, West Precinct Commander, Seattle Police Department
Lt. Michael Magee, West Precinct Operations, Seattle Police Department
Sgt. Paul Gracy, West Precinct CPT, Seattle Police Department
Dave Lavelle, Precinct Liaison Attorney, City Attorney's Office
Susan Blaker, WA State Liquor Control Board